

REMARKS

Amendments

Claim 23 has been placed into independent form and amended to further recite "human." New dependent claims 38-41 have been added which depend directly or indirectly from claim 23. Claim 1 has been amended to depend from claim 23. Claim 24 has been amended to insert a hyphen in "4-1BBL". No new matter has been added.

Concerning the Restriction Requirement and Species Election

In response to the restriction requirement set forth in the Office Action, Applicant elects Group II, i.e., claims 23-26 as well as new dependent claims 38-41.

As required by the Examiner, Applicant further elects B7.1 in respect of the B7 molecule.

The requirement for election of a ligand among OX40L, LIGHT, CD70, CD30 and G1TR-L appears to be moot, since this subject matter is not recited in the claims of Group II, i.e., claims 23-26 as well as new dependent claims 38-41. Applicant therefore respectfully submits that such an election is not applicable in view of the election of Group II above.

The present election is made without prejudice or disclaimer as to any non-elected subject matter. Applicant specifically reserves the right to file one or more divisional applications directed to non-elected subject matter.

The present election is made with traverse, on the grounds that the Examiner has failed to establish that a search of the complete application would be an undue burden as required by MPEP 803. MPEP 803 states: "If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." It is Applicants' position that the Examiner has failed to establish that a search of the entire application constitutes an undue burden. Therefore, it is requested that the entire application be searched and Examined.

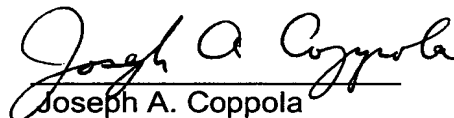
Further, in view of the provisional election of the product claims above, Applicants acknowledge the possibility of rejoinder of any non-elected process claims, as noted in the Office Action, and look forward to receiving notification to that effect in due course.

The time for responding to the Office Action was set for September 17, 2006. Enclosed herewith is a Petition for the Extension of Time under 37 C.F.R. § 1.136(a) for a period sufficient to permit the filing of this paper. Charge any fees associated with the Petition to Kenyon & Kenyon's Deposit Account No. 11-0600.

The Applicants hereby make a Conditional Petition for any relief available to correct any defect seen in connection with this filing, or any defect seen to be remaining in this application after this filing. The Commissioner is authorized to charge Kenyon & Kenyon's Deposit Account No. 11-0600 for the Petition fee and any other fees required to effect this Conditional Petition.

Respectfully submitted,

BY:


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